



February 22, 2008

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## ENGROSSED HOUSE BILL No. 1052

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DIGEST OF HB 1052 (Updated February 19, 2008 2:48 pm - DI 106)

**Citations Affected:** IC 9-13; IC 9-24; IC 9-26; noncode.

**Synopsis:** Motorist duties at accident scenes. Requires an examination for a learner's permit to test the applicant's knowledge of the duty to stop and provide assistance. Provides that the law requiring a driver involved in an accident to stop at the accident scene, notify the appropriate law enforcement agency, and render reasonable assistance applies if the accident results in the entrapment of a person in a vehicle. (Under current law, the law applies only if the accident results in the injury or death of a person.) Provides that if the driver is physically incapable of notifying the appropriate law enforcement agency or rendering reasonable assistance, the duty to notify or to render reasonable assistance is imposed on a passenger in the driver's vehicle who is capable of discharging the duty if the passenger: (1) at least 15 years of age and holds a learner's permit or driver's license; or (2) at least 18 years of age. Provides that a passenger commits a Class C misdemeanor if the passenger fails to notify or to render reasonable assistance when the duty is imposed upon the passenger. Provides that a person who knowingly, intentionally, or recklessly violates violates the law requiring a driver or a passenger to take certain actions at the scene of an accident commits a Class C misdemeanor.

**Effective:** July 1, 2008.

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### Neese, Hoy, Thompson

(SENATE SPONSORS — RIEGSECKER, LANANE)

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January 8, 2008, read first time and referred to Committee on Courts and Criminal Code.  
January 15, 2008, amended, reported — Do Pass.  
January 28, 2008, read second time, ordered engrossed. Engrossed.  
January 29, 2008, read third time, passed. Yeas 97, nays 0.

#### SENATE ACTION

January 29, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
February 21, 2008, amended, reported favorably — Do Pass.

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February 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1052

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2008]: **Sec. 49.7. "Entrapment" means a confining circumstance**  
4 **from which escape or relief is difficult or impossible.**

5 SECTION 2. IC 9-24-10-4 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) Except as  
7 provided in subsection (c), an examination for a learner's permit must  
8 consist of a test of the applicant's eyesight **and knowledge of**  
9 **IC 9-26-1-1.5.** All other examinations must include the following:

10 (1) A test of the following of the applicant:

11 (A) Eyesight.

12 (B) Ability to read and understand highway signs regulating,  
13 warning, and directing traffic.

14 (C) Knowledge of Indiana traffic laws, **including**  
15 **IC 9-26-1-1.5.**

16 (2) An actual demonstration of the applicant's ability to exercise  
17 ordinary and reasonable control in the operation of a motor

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vehicle under the type of permit or license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon Indiana highways. The applicant must provide the motor vehicle used in the examination.

(c) The bureau shall waive the actual demonstration required under subsection (a)(2) for a person who has passed a driver's education class and a road test given by a commercial driver training school or a high school driver education program.

(d) The bureau shall adopt rules under IC 4-22-2 specifying requirements for a road test given under subsection (c) by a commercial driver training school or a high school driver education program.

SECTION 3. IC 9-26-1-1, AS AMENDED BY P.L.210-2005, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. The driver of a vehicle involved in an accident that results in the injury or death of a person **or the entrapment of a person in a vehicle** shall do the following:

(1) Immediately stop the **driver's** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the following:

(i) The person struck.

(ii) The driver or occupant of or person attending each vehicle involved in the accident.

(C) **Subject to section 1.5(a) of this chapter**, determines the need for and renders reasonable assistance to each person injured **or entrapped** in the accident, including the removal or the making of arrangements for:

(i) the removal of each injured person **from the scene of the accident** to a physician or hospital for medical treatment; **and**

(ii) **the removal of each entrapped person from the vehicle in which the person is entrapped.**

(3) **Subject to section 1.5(b) of this chapter**, immediately give notice of the accident by the quickest means of communication to

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one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005.

SECTION 4. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.5. (a) If:**

**(1) the driver of a vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person as required under section 1(2)(C) of this chapter; and**

**(2) there is another occupant in the vehicle at the time of the accident who is:**

**(A) at least:**

**(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or**

**(ii) eighteen (18) years of age; and**

**(B) capable of determining the need for and rendering reasonable assistance to injured or entrapped persons as provided in section 1(2)(C) of this chapter;**

**the vehicle occupant referred to in subdivision (2) shall immediately determine the need for and render reasonable assistance to each person injured or entrapped in the accident as provided in section 1(2)(C) of this chapter.**

**(b) If:**

**(1) the driver of a vehicle is physically incapable of giving immediate notice of an accident as required under section 1(3) of this chapter; and**

**(2) there is another occupant in the vehicle at the time of the accident who is:**

**(A) at least:**

**(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or**

**(ii) eighteen (18) years of age; and**

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1           **(B) capable of giving notice as provided in section 1(3) of**  
 2           **this chapter;**

3           **the vehicle occupant referred to in subdivision (2) shall**  
 4           **immediately give notice of the accident by the quickest means of**  
 5           **communication as provided in section 1(3) of this chapter.**

6           **(c) If there is more than one (1) vehicle occupant to whom**  
 7           **subsection (a) applies, it is a defense to a prosecution of one (1)**  
 8           **vehicle occupant under subsection (a) that the defendant**  
 9           **reasonably believed that another occupant of the vehicle**  
 10           **determined the need for and rendered reasonable assistance as**  
 11           **required under subsection (a).**

12           **(d) If there is more than one (1) vehicle occupant to whom**  
 13           **subsection (b) applies, it is a defense to a prosecution of one (1)**  
 14           **vehicle occupant under subsection (b) that the defendant**  
 15           **reasonably believed that another occupant of the vehicle gave the**  
 16           **notice required under subsection (b).**

17           SECTION 5. IC 9-26-1-2, AS AMENDED BY P.L.210-2005,  
 18           SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19           JULY 1, 2008]: Sec. 2. The driver of a vehicle involved in an accident  
 20           that does not result in injury or death of a person **or the entrapment**  
 21           **of a person in a vehicle** but that does result in damage to a vehicle that  
 22           is driven or attended by a person shall do the following:

23           (1) Immediately stop the vehicle at the scene of the accident or as  
 24           close to the accident as possible in a manner that does not  
 25           obstruct traffic more than is necessary.

26           (2) Immediately return to and remain at the scene of the accident  
 27           until the driver does the following:

28           (A) Gives the driver's name and address and the registration  
 29           number of the vehicle the driver was driving.

30           (B) Upon request, exhibits the driver's license of the driver to  
 31           the driver or occupant of or person attending each vehicle  
 32           involved in the accident.

33           (3) If the accident results in total property damage to an apparent  
 34           extent of at least one thousand dollars (\$1,000), forward a written  
 35           report of the accident to the:

36           (A) state police department, if the accident occurs before  
 37           January 1, 2006; or

38           (B) bureau, if the accident occurs after December 31, 2005;  
 39           within ten (10) days after the accident.

40           SECTION 6. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS  
 41           [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) If:

42           (1) the driver of a vehicle is physically incapable of making an

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1 ~~immediate~~ or a written report of an accident as required by this  
 2 chapter; and

3 (2) there was another occupant in the vehicle at the time of the  
 4 accident capable of making ~~an immediate~~ or a written report;  
 5 the occupant shall make or cause to be made the report not made by the  
 6 driver.

7 (b) If:

8 (1) the driver of a vehicle is physically incapable of making an  
 9 immediate or a written report of an accident as required by this  
 10 chapter;

11 (2) there was no other occupant; and

12 (3) the driver is not the owner of the vehicle;  
 13 the owner of the vehicle involved in the accident shall, within five (5)  
 14 days after the accident, make the report not made by the driver.

15 SECTION 7. IC 9-26-1-9 IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2008]: Sec. 9. A person who **intentionally,**  
 17 **knowingly, or recklessly** violates section 1(3), **1.5**, 2(1), or 2(2) of this  
 18 chapter commits a Class C misdemeanor.

19 SECTION 8. [EFFECTIVE JULY 1, 2008] **IC 9-26-1-1,**  
 20 **IC 9-26-1-2, IC 9-26-1-6, and IC 9-26-1-9, all as amended by this**  
 21 **act, and IC 9-26-1-1.5, as added by this act, apply only to crimes**  
 22 **committed after June 30, 2008.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1052, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 30, after "is" insert ":

**(A) at least fifteen (15) years and six (6) months of age; and (B)".**

Page 2, line 42, after "is" insert ":

**(A) at least fifteen (15) years and six (6) months of age; and (B)".**

and when so amended that said bill do pass.

(Reference is to HB 1052 as introduced.)

HOY, Chair

Committee Vote: yeas 10, nays 0.

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 SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1052.

RIEGSECKER

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 COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1052, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 49.7. "Entrapment" means a confining circumstance from which escape or relief is difficult or impossible.**

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SECTION 2. IC 9-24-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit must consist of a test of the applicant's eyesight **and knowledge of IC 9-26-1-1.5**. All other examinations must include the following:

(1) A test of the following of the applicant:

(A) Eyesight.

(B) Ability to read and understand highway signs regulating, warning, and directing traffic.

(C) Knowledge of Indiana traffic laws, **including IC 9-26-1-1.5**.

(2) An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle under the type of permit or license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon Indiana highways. The applicant must provide the motor vehicle used in the examination.

(c) The bureau shall waive the actual demonstration required under subsection (a)(2) for a person who has passed a driver's education class and a road test given by a commercial driver training school or a high school driver education program.

(d) The bureau shall adopt rules under IC 4-22-2 specifying requirements for a road test given under subsection (c) by a commercial driver training school or a high school driver education program."

Page 2, line 31, delete "least" and insert "**least:**

(i)".

Page 2, line 31, delete "and six (6) months of age; and" and insert "**of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or**

(ii) **eighteen (18) years of age; and**".

Page 3, line 3, delete "least" and insert "**least:**

(i)".

Page 3, line 3, delete "and six (6) months of age; and" and insert "**of age and holds a learner's permit issued under IC 9-24-7-1 or a driver's license issued under IC 9-24-11; or**

(ii) **eighteen (18) years of age; and**".

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Page 4, line 20, delete "1(2)(C),".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1052 as printed January 16, 2008.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 0.

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